

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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M.A. MORTENSON CO.,

Plaintiff,

v.

**ORDER**

Civil File No. 10-3075 (MJD/AJB)

VIRGINIA SURETY CO., INC.,

Defendant.

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Rikke A. Dierssen-Morice and Myriam Pierre Warren, Faegre & Benson LLP,  
Counsel for Plaintiff.

Peter M. Waldeck and Timothy W. Waldeck, Waldeck & Lind, Counsel for  
Defendant.

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This matter is before the Court on Plaintiff M.A. Mortenson's Motion for  
an Award of Attorneys' Fees, Costs and Disbursements. [Docket No. 52]

In the Court's August 15, 2011, Memorandum of Law and Order granting  
M.A. Mortenson's Motion for Partial Summary Judgment on Breach of the Duty  
to Defend by Virginia Surety Company, the Court ordered:

Virginia Surety is ordered to pay Mortenson's reasonable attorneys'  
fees incurred in recovering its defense costs in this action.  
Mortenson's shall file its evidence of the amount of those fees within  
30 days from the date of this Order. Virginia Surety's objections, if

any, to the amount of the request shall be filed within 30 days from the date of Mortenson's filing.

Plaintiff has now filed its request for \$63,563.40, along with evidentiary support for that amount. Defendant has no objections to the reasonableness of the fees requested by Mortenson.

The Court has reviewed the Affidavit of Rikke Dierssen-Morice Regarding Fees and Costs Incurred in Recovering Mortenson's Defense Costs as Awarded by the Court on August 15, 2011 [Docket No. 53] and the attached exhibits, as well as the entire record in this case, and concludes that the amount of attorneys' fees and costs requested is reasonable and is factually supported.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

**HEREBY ORDERED:**

1. M.A. Mortenson's Motion for an Award of Attorneys' Fees, Costs and Disbursements [Docket No. 52] is **GRANTED**.
2. Virginia Surety is ordered to pay \$63,563.40 to Mortenson, comprising Mortenson's fees and costs incurred in this action.

Dated: October 30, 2011

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court